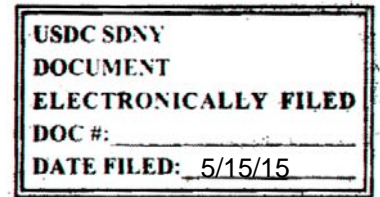


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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	:	
ELIAS PEREZ SANCHEZ, et al.,	:	
	:	
Plaintiffs,	:	14 Civ. 07811 (LGS)
	:	
-against-	:	
	:	<u>ORDER</u>
	:	
99 MILES TO PHILLY, INC., et al.,	:	
	:	
	:	
Defendants.	:	
-----	X	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, by Order dated March 24, 2015, the parties were required to submit their settlement agreement for approval along with a joint letter explaining why the settlement was fair and reasonable by April 14, 2015.

WHEREAS, on April 2, 2015, the parties timely filed a joint submission seeking approval of their settlement agreement (the “April 2 Submission”). The April 2 Submission stated that the amount of settlement was \$30,000 and that “[t]he amount of attorneys’ fees and costs is one-third of the settlement.”

WHEREAS, by Order dated April 6, 2015, the parties were required to file an amendment striking the confidentiality provision in the executed settlement agreement by April 15, 2015.

WHEREAS, the parties timely filed a revised settlement agreement striking the confidentiality provision and proposed stipulation of dismissal.

WHEREAS, by Order dated April 21, 2015, the parties were required to address deficiencies in the April 2 Submission by May 15, 2015.

WHEREAS, on May 14, 2015, the parties timely submitted additional materials in further

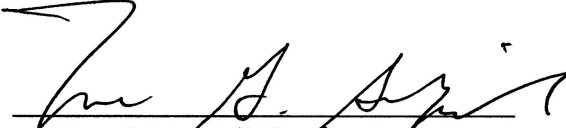
support of their request for settlement approval (the “May 14 Submission”). In the May 14 Submission, Plaintiff’s counsel stated that its proposed fees are now \$13,700. It is hereby

ORDERED that the parties’ settlement agreement (Dkt. No. 37-1) is APPROVED. The settlement is “fair and reasonable” under the factors articulated in *Wolinsky v. Scholastic, Inc.*, 900 F. Supp. 2d 332 (S.D.N.Y. 2012). It is further

ORDERED that Plaintiff’s counsel is awarded **\$10,000** in attorney’s fees. “Where a proposed settlement of FLSA claims includes the payment of attorney’s fees, the court must also assess the reasonableness of the fee award.” *Wolinsky*, 900 F. Supp. 2d at 336. Here, Plaintiff’s counsel provides no explanation for the increased in its proposed fees from \$10,000 to \$13,700. The billing records accompanying the May 14 Submission state that Plaintiff’s counsel spent 2.5 hours -- totaling \$1,000 at Plaintiff’s counsel proposed rate of \$400 per hour -- on this case following the April 2 Submission. Moreover, Plaintiff’s counsel expended these additional hours because joint submission filed by Plaintiff’s counsel was deficient and did not comply with the March 24 Order. Accordingly, the Court declines to award Plaintiff’s counsel the additional \$3,700 and finds an award of \$10,000 in attorney’s fees is reasonable in this case.

The Clerk of Court is respectfully directed to close this case.

Dated: May 15, 2015
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE